

United States District Court
for the
Eastern District of New York

D+H.
FILED G. USPO
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUL 12 2011 ★
BROOKLYN OFFICE

Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: David Johnson

Case Number 08-CR-264-03

Name of Sentencing Judicial Officer: The Honorable John Gleeson, U.S. District Judge

Date of Original Sentence: July 1, 2009

Original Offense: 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(A)(ii) and (iii), Conspiracy to Distribute and Possess with the Intent to Distribute Five Kilograms or More of Cocaine, and Fifty Grams or More of Cocaine Base, a Class A felony

Modification of

Conditions/VOP History: On April 7, 2011, the Court ordered no action against the offender for testing positive for marijuana March 11, 2011. This action was predicated on the offender's willingness to attend outpatient treatment.

Original Sentence: 5 Years Probation, \$100 Special Assessment, 250 Hours Community Service, Drug Treatment as Approved by Probation

Type of Supervision: Probation

Date Supervision Commenced: July 1, 2009

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PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

The defendant shall perform 50 hours of community service in a manner approved by the Probation Department. The defendant will cooperate in allowing the Probation Department to confirm the community service is completed.

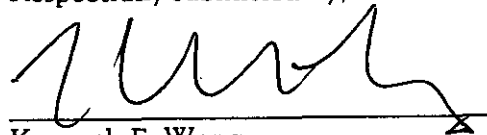
CAUSE

On February 28, 2011, the offender was laid-off from his job as a warehouse worker with Empire Merchants in Brooklyn, New York, and did not report being laid-off from this job to the Probation Department until April 20, 2011. The offender was then referred to a number of job training/placement agencies, which included Workforce One, Brooklyn Woods, and our Department's JOBView website, which contains multiple listings of employment opportunities. Review of electronic records indicate that the offender did not apply for any jobs on JOBViews. Further, the offender failed to apply for Workforce One and Brooklyn Woods, maintaining that he was hoping to be re-hired by Empire Merchants very soon. To date, the offender continues to be unemployed.

On June 21, 2011, the issue of being productively occupied was discussed with the offender, and he agreed to sign the attached Waiver of Hearing requesting the Court to modify the conditions of probation to include 50 hours of community service.

We respectfully request that the Court orders the conditions of probation be modified to include 50 hours of community service . We will continue to assist the offender with employment or schooling referrals.

Respectfully submitted by,



Kenneth F. Wong
U.S. Probation Officer
(347) 534-3469

Approved by,



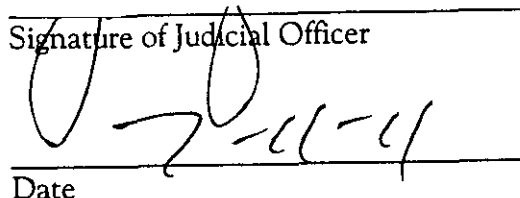
Lawrence Cavagnetto
Supervising U.S. Probation Officer
Date: 7/5/11

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ Other

s/John Gleeson

Signature of Judicial Officer



Date